IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10329 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

LALITBHAI BABUBHAI RAVAL

Versus

MEDICAL SUPERINTENDENT

Appearance:

MRS MADHUBEN SHARMA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 12/10/2000

ORAL JUDGEMENT

Rule.Mr.K.T.Dave, Ld.AGP waives service of rule for respondents. With the consent of learned counsel for parties matter is taken for final disposal.

2. In this petition under Article 226 of the

Constitution, the petitioner, Chief Executor of Black-cat Security Guards has prayed for a writ of mandamus to direct the Medical Superintendent of Civil Hospital, Ahmedabad the respondent No.1 to issue the work order to the petitioner pursuant to the resolution dated 29.1.2000 (at annexure "D" to the petition) issued by the State Government under which it is decided to entrust the contract for providing security services at Civil Hospital.

3. In response to the notice issued by this Court, affidavit in reply has been filed by the Under Secretary, Govt.of Gujarat, Health & Family Welfare Department, Sachivalaya, Gandhinagar pointing out the facts which have persuaded the Government to decide and reconsider the issue.

4. Since the Government had previously taken the decision as per Govt.Resolution dated 21.1.2000, principles of natural justice require that the petitioner should have been given opportunity of being heard before taking any decision adverse to the petitioner.

5. Since the opportunity of being heard was not provided to the petitioner, it would be just and proper to direct the State of Gujarat to provide opportunity of being heard to the petitioner before passing any final order and the petitioner shall cooperate with the authorities for expeditious decision. In case the Government is not inclined to entrust the contract to the petitioner, the Government shall consider the request of the petitioner for returning the Earnest Money Deposit with interest thereon.

6. The petition is accordingly disposed of subject to aforesaid directions. Rule is made absolute. There shall be no order as to costs.

12.10.2000 (M.S.SHAH,J)